

BILL NO. S-67-06-10

SPECIAL ORDINANCE NO. S- 488-67

AN ORDINANCE approving Sewer Agreement between the AMERICAN OIL COMPANY and the CITY OF FORT WAYNE, INDIANA for construction of sanitary sewer in area of State Road #3 and Washington Center Road in the area lying north of Highway I-69.

WHEREAS, on the 5th day of June, 1967, the City of Fort Wayne, by and through its Mayor and the Board of Public Works, entered into an agreement with the American Oil Company, a Maryland Corporation, hereinafter referred to as Developer, concerning the construction of a sanitary sewer in accordance with the plans, specifications and profiles submitted to the City and now on file in the office of the Chief Engineer of the Sewer Utilities of the City of Fort Wayne, and are incorporated herein by reference and made part hereof; and

WHEREAS, the cost of construction of said sewer shall be at the entire expense of the Developer, which agrees to hold the City harmless from any liability for claims connected therewith; and

WHEREAS, said sanitary sewer shall be constructed within the following described easement, to-wit:

Legal description for the centerline of a 14-ft. wide sanitary sewer easement for extension of sanitary sewer to State Road No. 3 and Washington Center Road in the area lying North of Highway I-69 in Section 22 and 23, Township 31 North, Range 12 East, Allen County, Indiana.

AREA OF DEVELOPER: All that part of the West 1/2 of the Northwest 1/4 of Section 23, Township 31 North, Range 12 East, Allen County, Indiana, lying North of Interstate Highway No. 69; TOGETHER with all that part of the Northeast 1/4 of Section 22,

Township 31 North, Range 12 East, Allen County,
Indiana, lying North of Interstate Highway No.
69 and lying East of State Road No. 3.

WHEREAS, the Developer, for itself, its successors in title and assigns, waives and releases any and all rights which it may now or hereafter have to remonstrate against or otherwise object to, interfere with or oppose any pending or future annexation by City of any territory now or hereafter owned by it as described above, or hereafter served by said sewer or any extension thereof.

Any owner or owners of land which is now, or hereafter located outside the corporate limits of City who connect into the sewer constructed hereunder shall be deemed to thereby waive his, her, their or its right to remonstrate against or otherwise object to, interfere with or oppose any pending or future annexation by City of such land or of the territory in which it is located or of the area served by said sewer; except Waiver of right to remonstrate against annexation of that portion of Section 23 and the East 715 feet of that portion of Section 22 of the "Area of Developer" cannot be granted by Developer because of conflict with present Sales Contracts.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Agreement between the City of Fort Wayne and the American Oil Company, a Maryland Corporation, concerning the construction of a sanitary sewer in the area of State Road #3 and Washington Center Road in the area lying north of Highway I-69, which is on file in the office of the Board of Public Works, and is by reference made part hereof, is hereby ratified, confirmed and approved, and the construction of said sewer in accordance therewith is hereby approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

APPROVED AS TO FORM
AND LEGALITY

[Signature]
CITY ATTORNEY

Bill No. S-67-06-10

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance
approving Sewer Agreement between the AMERICAN OIL COMPANY and the CITY OF FORT
WAYNE, INDIANA for construction of sanitary sewer in area of State Road #3
and Washington Center Road in the area lying north of Highway I-69,

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance DO PASS.

JACK K. DUNIFON, Chairman

JOHN H. ROBINSON, Vice-Chairman

JOHN NUCKOLS

WILLIAM T. HINGA

HERBERT G. TIPTON.

Jack K. Dunifon
John H. Robinson
John Nuckols
William T. Hinga
Herbert G. Tipton

CONCURRED IN

DATE 6-27-67 WALTER C. MEYERS, CITY CLERK

Read the first time in full and on motion by Dunifon seconded by Buchanan. and duly adopted, read the second time by title and referred to the (Committee on) city utilities ~~(and to the City Planning Commission for recommendation)~~ (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on the _____ day of _____, 196____, at _____ o'clock _____ P.M., E.S.T.

Date: 4/13/67 Walter E. Meyers
CITY CLERK

Read the third time in full and on motion by Dunifon seconded by Hinga and duly adopted, placed on its passage.

Passed (~~and~~) by the following vote:

	AYES <u>9</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT _____	to-wit:
Buchanan	<u>/</u>	<u> </u>	<u> </u>	<u> </u>	
Dunifon	<u>/</u>	<u> </u>	<u> </u>	<u> </u>	
Fay	<u>/</u>	<u> </u>	<u> </u>	<u> </u>	
Hinga	<u>/</u>	<u> </u>	<u> </u>	<u> </u>	
Nuckols	<u>/</u>	<u> </u>	<u> </u>	<u> </u>	
Robinson	<u>/</u>	<u> </u>	<u> </u>	<u> </u>	
Rousseau	<u>/</u>	<u> </u>	<u> </u>	<u> </u>	
Steigerwald	<u>/</u>	<u> </u>	<u> </u>	<u> </u>	
Tipton	<u>/</u>	<u> </u>	<u> </u>	<u> </u>	

Date 6-27-67 Walter E. Meyers
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(Zoning Map)(General)(Annexation)(Special)(Appropriation)~~ Ordinance ~~(Resolution)~~ No. 488-67

on the 27th day of June, 1967.

Walter E. Meyers (SEAL) Edmund J. Lawrence
CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of June, 1967 at the hour of 10:00 o'clock A.M., E.S.T.
Walter E. Meyers
CITY CLERK

Approved and signed by me this 29th day of June, 1967, at the hour of 2:12 o'clock P.M., E.S.T.
Harold S. Zeis
MAYOR